REMARKS

Applicant is in receipt of the Office Action mailed March 9, 2004.
Reconsideration of the present case is earnestly requested in light of the following
remarks.

Abstract

The abstract of the disclosure was objected to because it was not on a separate
sheet. In addition, the Examiner has suggested that the abstract was not within a range of
50-150 words. Applicant hereby includes a revised abstract on a separate sheet to
overcome the rejection.

Improper Claim Formatting

Claims 17, 19-22, 24, 26-27, 42, 44, 46-49, 51, and 52-53 were objected to
because the claims were correctly identified as being previously presented; however,
markings existed as if the claims were being amended. Formatting of claims 17, 19-22,
24, 26-27, 42, 44, 46-49, 51, and 52-53 was corrected to overcome this objection.
Furthermore, claims 54, 69, 83-85, and 88 were amended to reflect the previously
amended claim numbering.

Double-Patenting Rejection

Claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-84, and 86-
122 were rejected under the judicially created doctrine of obviousness-type double
patenting as being unpatentable over claims 1-90 of U.S. Patent No. 6,064,812, referred
to herein as the '812 Patent.

Applicant hereby includes a Terminal Disclaimer along with a necessary Power
Of Attorney to overcome the rejection.

Section 103 Rejections

Claims 15, 17-20, 22-32, 36, 38, 40, 42, 44-47, 49-59, 63, 65, 67, 69-84, and 86-
122 were rejected under §103 as being unpatentable over Fowlow in view of Cain.

Claim 15

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow as applied to claims 1-14 of the previous action, and further in view of Cain. In the abstract, Fowlow describes his invention as a method, apparatus, and program code that "visually constructs object-oriented application software to be installed on a distributed object system." Claim 15 of the Application recites:

"A memory medium comprising program instructions for creating a graphical data flow program, wherein the program instructions operate in a computer including a display and a user input device, wherein the program instructions are executable to implement:

displaying on a display a graphical data flow program, wherein the graphical data flow program comprises a plurality of interconnected nodes which visually indicate functionality of the graphical data flow program, wherein the plurality of interconnected nodes are connected by lines which represent flow of data among the nodes;

displaying on the screen a first node in the graphical data flow program in response to user input;

configuring the first node with information regarding a first method of a first object, wherein said configuring the first node comprises:

receiving first user input selecting a first class from a set of classes, wherein the first object is operable to be instantiated from the first class, wherein the first class includes one or more methods;

receiving second user input selecting the first method from the one or more methods;

wherein the first node is operable to invoke the first method of the first object during execution of the graphical data flow program."

Examiner equates Fowlow's visual representation of links to a graphical data flow program. Applicant respectfully disagrees.

In column 2, lines 41 – column 3 line 2, Fowlow describes the motivation for his system:

"In particular, it would be highly desirable to allow programmers and other users the ability to create and install distributed objects in a relatively transparent fashion so that objects created in different programming languages and/or objects residing on different computing platforms can be made available on distributed object systems without extensive re-invention of existing programming code, or placing an undue burden on the user."

In other words, Fowlow describes a system to create and install distributed objects in a system. Furthermore, in column 10, lines 58-67, Fowlow recites:

"In the central portion 525, also referred to herein as a "worksheet", parts corresponding to various pre-existing objects are arranged and connected graphically to define code for the implementation of the application being composed. Shown in the worksheet are two parts representing pre-existing objects: AudioDev 530, and Input Stream 532. Part 530 is connected to Socket.sub.-- 1 by a connection 534 and is further connected to Input Stream part 532 by a connection 536. Also connected to Input Stream 532 is the interface Stream 540 and Plug.sub.-- 1 526 by connection 538."

Fowlow in column 11, lines 36-52, recites:

"By connecting the plugs and sockets between the parts located in the worksheet, such as part 552', the composition builder of the present invention is able to generate corresponding code for establishing the necessary connections among the parts thus relieving the programmer of the laborious task of locating the appropriate objects across the distributed object system, providing the necessary boilerplate code for accessing those objects, and determining the appropriate arguments in syntax necessary to establish communications among those objects. Thus, it will be appreciated that the composition builder facilitates the construction of applications to be installed in distributed object systems by providing a simpler way of accessing and reusing code that is available throughout the distributed object system and implementing that code by providing an intuitive framework for composing an application."

Therefore Fowlow describes links between visual parts that indicate a relationship between the parts in the worksheet. The links and relationships between visual parts of are used to generate and install code. This is different from a graphical data flow program, as described below. In other words, the Fowlow reference does not teach or suggest a "graphical data flow program" as recited in the present claims.

. The "Composition Builder" of Fowlow operates to create a worksheet, which operates to construct an application, or precisely, "applications for installation on the distributed object system." In other words, Fowlow's worksheet serves to define relationships between parts that are distributed together as one installation component. However, neither the worksheet nor the application of Fowlow is a "graphical data flow program". The connections between objects in the worksheet of Fowlow indicate interrelations between these objects, and not a flow of data as defined in the context of a graphical data flow program. In order for a program to be a graphical data flow program, the program generally should conform to certain data flow semantics. Specifically, Fowlow's description of the worksheet does not teach or suggest any of the elements of

30

data flow. Fowlow does not teach or suggest that the order of operations of the objects in the worksheet is implied by data interdependencies or that any of the objects in the worksheet of Fowlow may execute after all of the necessary inputs become available. In fact, the Fowlow reference does not even use the term "data flow" at all. In contrast, claim 15 specifically recites a graphical data flow program. A graphical data flow program is substantially different from the worksheet created in the "Component Builder" of Fowlow.

Therefore for at least the reasons highlighted above, Applicant submits that claim 15 and those dependent thereon are allowable. Applicant submits that the remaining independent claims and those dependent thereon are allowable for at least the reasons given above. Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Thus, Applicant submits that the present claims are allowable over the Fowlow and Cain references.
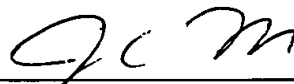
CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-18301/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Power Of Attorney By Assignee and Revocation Of Previous Powers

☒ Terminal Disclaimer

☒ Notice of Change of Address

Respectfully submitted,

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32